

REMARKS

This is in response to an Office Action mailed December 16, 2003. The Office Action indicates a patent to "Buchacher," however, no patent number is indicated and no copy of the reference was provided, so Applicants have not been able to consider it.

Drawing Objections

New Figures 5A and 5B have been added (attached hereto) showing an example of the claimed projection. Explicit support for the new drawing is found at Page 12, lines 4 - 9 of the specification (describing the equivalence of providing a groove in one of either the knife or clamping member and a complementary and corresponding projection in the other), and Page 12 lines 15 - 18 of the specification, where the specific shape of the groove and corresponding projection is described.

The specification has been amended to incorporate the new Figures.

Section 102 Rejections

Claim 13 stands rejected under 35 USC §102(b) as being anticipated by Schmatjen, U.S. Patent No. 5,819,826 ("Schmatjen"), Figure 8. Claim 13 has been amended to clarify that the claimed option (b) is a semi-circular projection.

Claim 25 stands rejected under 35 USC §102(e) as being anticipated by Zaiser, U.S. Patent No. 6,131,627 ("Zaiser") or alternatively Humbert, U.S. patent No. 3,989,077. Claim 25 has been amended to clarify that the claimed projection is adapted for insertion into a recess in the knife, and that the claimed tip portion is convex, such as shown in Figure 4B of the present application.

Section 103 Rejections

Claims 14, 16, and 35 - 37 stand rejected under 35 USC §103 as being unpatentable over Zaiser in view of Schmatjen. Zaiser discloses a knife having a recess and Schmatjen discloses a knife having deflector ridges. It is asserted to be obvious to combine these features since Schmatjen teaches that deflector ridges produce chips that have desirable physical characteristics, with reference to Col. 1, last paragraph. Applicant respectfully traverses the rejections.

Schmatjen is concerned with large-scale, commercial manufacturing processes for the manufacture of oriented strand board and other manufactured board products. These products are formed from chips, and Schmatjen recognizes that it is desirable to form the chips so that they have the desired physical characteristics for this particular purpose. For this particular purpose, and for no other purpose, Schmatjen teaches deflector ridges for the knife.

Zaiser discloses a hand-held planar for small wood-working jobs. The Examiner is respectfully requested to take judicial notice of the fact that the chips that result from use of small hand-held wood planars are typically swept up and thrown away at the end of the job. The chips are not produced in any significant quantity, are not used in the manufacture of oriented strand board, and their quality is of no importance.

An invention is not obvious unless there was a motivation in the prior art to modify the references as required. Here, Schmatjen motivates deflector ridges for a particular type of knife, namely a knife adapted for use in commercial chipping apparatus for the express purpose of producing chips for use in commercial board manufacture. Schmatjen provides no motivation to add deflector ridges to any other type of knife, and particularly provides no motivation to modify knives such as that disclosed in Zaiser, for which chip quality is of no practical concern.

Claim 30 stands rejected under 35 USC §103 as being unpatentable over Zaiser in view of Schmatjen, and further in view of Swartwood, U.S. Patent No. 5,979,522 ("Swartwood"). It is alleged that Swartwood discloses a clamp for a knife having deflector portions, wherein complementary interlocking features on the inner clamping member 16 and front side of the knife 20 would prevent slipping as claimed. It is further alleged that it would have been obvious to modify Zaiser to include the deflector ridges of Schmatjen and Swartwood because Swartwood suggests that this would more firmly hold the knife. Applicant respectfully traverses the rejection.

Swartwood discloses the same deflector ridges as Schmatjen, and Applicant's specification explains, as is readily apparent from either reference, that the interlocking features on the front side of the knife would help to prevent slippage when the interlocking features are engaged with one another. However, when (such as shown in Figure 3B of the present application) the interlocking features on the front side of the knife become disengaged from the corresponding clamping member, they can no longer perform the function of preventing slippage. That is a problem recognized by the applicants and described in the present application that was not recognized by any of Schmatjen, Swartwood, and Zaiser. Therefore, a person of ordinary skill would not have been taught by any combination of these references even to be concerned about this problem, let alone to try to solve the problem by providing both front and back sets of interlocking features as claimed.

Claim 32 stands rejected under 35 USC §103 as being unpatentable over Swartwood in view of Schmatjen and further in view of Jorgensen, U.S. Patent No. 5,564,967 ("Jorgensen"). It is alleged that Jorgensen shows both an inner and outer clamping member adapted for interlocking engagement with respective sides of a knife. Applicant respectfully traverses the rejection.

Claim 32 recites a clamp having inner and outer clamping members that are pivotally adjustable with respect to each other. The allegation of obviousness lacks any suggestion of such a feature made in any of the cited references. Therefore, it is respectfully submitted that the allegation fails to state a *prima facie* case.

Accordingly, it is respectfully submitted that claims 13, 14, 16, 17, and 25 - 39 remaining in this case patentably distinguish over the references of record. The examiner is therefore respectfully requested to allow these claims and pass this case to issue.

Respectfully,

A handwritten signature in black ink, appearing to read 'Garth Janke', written over the printed name.

Garth Janke
Reg. No. 40,662
(503) 228-1841

AMEND3.025.wpd